

THE  
QUESTION  
OF THE  
INDEPENDENCY, &c.

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INDEPENDENCE



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THE  
QUESTION  
OF THE  
INDEPENDENCY  
OF  
MILITARY OFFICERS  
SERVING IN  
PARLIAMENT,

Stated and Considered ;

With some REMARKS upon the present Constitution  
of the MILITIA in ENGLAND.

Discordia Semina Rerum.

OVID.

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L O N D O N .

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ЛЮДИ  
СВОИ  
ДРУЗЬ  
И ПРИЯТЕЛИ  
ПАРИЖИ

Составлены  
Г. А. Гоголем



Для любителей античности  
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Письма Г. А. Гоголя к Г. Варварту, обобложка Г. А. Гоголя  
и Г. Варварту, Г. Варварту, Г. А. Гоголь  
Год 1844

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THE  
QUESTION  
OF THE  
INDEPENDENCY, &c.

MY LORD,

HERE is not, perhaps, in the practice of life so difficult a task as the getting rid of early prepossessions. Travelling, is generally recommended as the cure of this rooted disease; but it unfortunately happens, that the prepossessions which I did myself the honour to promise to your Lordship to write upon, are so far from being cured, that they are confirmed, by travel. A man who goes abroad to correct, the prepossessions he may entertain in favour of the British constitution, enters into a most ruinous school for that purpose, because every thing he sees about him contributes to disqualify him from thinking, speaking, or acting as a Briton.

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It is, my Lord, a paradox to say, that when we reason upon the constitution of this country, our minds ought to be purged from all ideas that are connected with any other constitution, and, I had almost said, with any, but the general, principles of government. I shall confine this observation to the subject upon which I take up the pen, I mean the connection that, in the British constitution, subsists, or ought to subsist, between the civil and military power. To an Englishman in France or Germany, every thing about him tends to inspire him with an idea that they are the same ; but that the turn of the scale, as we may call it, ought to be in favour of the military. Officers are the companions of sovereign princes ; they sit at their table ; their very profession makes them gentlemen ; they are capacitated to discharge the most important civil duties ; and the subject even looks upon it as an honour when a man of war deigns to become his judge.

When an Englishman, habituated to such objects, returns to his own country, he looks with contempt and disdain upon those vulgar jealousies of the military power, that are entertained amongst his country neighbours. But, my Lord, give me leave to say, that the British constitution, like a geometrical staircase,

case, is so skilfully put together, that not the smallest member of it can be altered without the destruction of the whole. To its honour be it said, that though, ever since the Revolution, this nation never has been without a standing army, yet the unconstitutionality of that army is written upon the front of that very bill to which it owes its existence.

Our greatest land officers are, therefore, no other than illustrious evils, which necessity has introduced into the British constitution ; and, as such, too great attention cannot be paid to the distinction which ought to subsist between their civil and military capacities, and which, if ever blended, must ruin the liberties of this country.

I am sensible, my Lord, of the strength of those prepossessions I am obliged to labour against, when I become an advocate for this distinction. But we have seen in politics, as well as philosophy, the strongest prejudices vanish before the force of truth. In short, my Lord, I will at once come to the point I propose to establish, which is, that there is not a scourge, nor a pestilence, in nature, which ought to be so formidable to British liberty as an INDEPENDENT ARMY.

This is a proposition so extraordinary, and so paradoxical, that it looks like Quixotism

to advance it ; and yet to disclaim it, strikes at the fundamentals of British freedom. Dissolve the dependence of the military, upon the civil, power, and you remove the corner-stone of your constitution. Make your officers independent, and you give your laws so many masters.

I know how startling it must be to your Lordship, as well as to many other well-meaning patriots, to advance, that from the moment an officer accepts of a commission he voluntarily resigns his liberty ; and, in case of a breach of duty, he is as liable as the meanest centinel in the army to be brought to a court-martial, tried, condemned, and executed. That the fact is so, I believe no military gentleman can deny ; nor am I afraid to advance another unheard-of proposition, which is, that the martial law of Great Britain, considered singly and separately by itself, differs in no respect from the like institution under the most arbitrary governments ; and that the king of Great Britain, in his dominions, has the same power to dispose of commissions as any sovereign prince in Europe has in theirs.

This power, my Lord, vested in the crown, far from endangering, preserves, strengthens, and confirms our civil constitution. The crown

crown is no other than a trustee for the rights of the people ; the military constitution is the greatest enemy to those rights ; and therefore the laws most wisely have invested the crown with the power of keeping those capacities separate. I am sensible, that when I write in this manner, I have great authorities to combat ; but they are built upon mistaken notions ; and however prevalent they have been, are destitute of all foundation in this constitution. But it is not wholly upon general principles that I build the system I advance ; for I am sorry to observe, that of late very dangerous doctrines, with regard to the independency of the army, have been advanced, and such as render it highly necessary for the civil part of government to have recourse to first principles.

It may, perhaps, be proper to search for those principles in times prior to the Revolution ; for I am sorry to say, that the conjectures of that period were far from being favourable to the dependency of the military upon the civil power. It would be mispend-  
ing time to attempt to prove, that by the ancient plan of the English government, the king is supposed to be the head and director of all military power in this country ; and tho' it is true, that when the original Magna

Charta was obtained, the crown did make to certain great barons a conditional cession of its right to the sword ; and, in some measure, transferred it to the subject for a certain time, and for certain purposes ; yet that very cession implies, that the right originally resided in the king. Were it necessary, it would be no hard matter to prove, that, for the short time this delegation did subsist in the subject, so bad an use was made of it, that it had almost undone all that the people had been labouring for, and the king was within a hair's breadth of abolishing all the concessions he had granted.

Such were the first fruits of an independent army. Its officers did not stop at the opposition which the great charter would have warranted, and was confined to the coercion of the king, in case of his breaking into the conditions he had stipulated, but with a salvo to the safety of his own person and family, and without infringing the rights of the crown. But those were overthrown, and the most considerable of the barons who had been the most active in obliging the king to pass the great charter, foresaw greater evils from the independency of the army, than those they were threatened with from the power of the crown ; nor were they deceived. Those inde-

independent officers laid the axe to the root of the constitution, and preferred a king of France, with the liberties of England. What happened upon this, is well known in history. A French prince accepted of the offer, and the consequence, probably, would have been, that this nation must have taken a French king for its master, had he not prematurely disclosed his intention to have cut off every baron of England, those who had invited him in, as well as those who opposed him. His intention being discovered in time, opened the eyes of the nation; the leading barons grew every day more sensible of the evils attending an independent army, and by degrees returned to their duty under their lawful sovereign.

The antient feudal constitution of England was, in theory, admirably well calculated for the dependence of the military power upon the crown, had it not been that the power of the crown itself in that respect had too great an independence upon the parliament. The number of the forces employed in an expedition was generally proportioned to the pleasure of the king; and it too often happened, that sham expeditions were undertaken by profuse princes, to fill their coffers with the escuages and other fines, paid by barons

barons and knights to excuse them from their attendance in the field, which often amounted to an immense sum. When extraordinary subsidies came to be granted by parliament, this abuse was partly remedied, because that assembly made itself the judge of the importance of the expedition, and regulated their subsidies accordingly. But still, the power of the crown over an English army never was questioned ; it was considered as being inherent in the constitution ; nor was the army itself ever dangerous to English liberty, but when our kings trusted the command of it to subjects, who thereby acquired ideas of independency that were as destructive of freedom as of prerogative.

Those ideas commonly arose from the misfortune which England was then under of cultivating foreign connections ; and every great revolution that took place in the government, was effected by the officers and soldiers of the army who had served abroad, where they had imbibed the notions I have mentioned. The army which dethroned Edward II. was brought from France, and tho' subjects of the English crown, they may well be considered to have been foreign troops. Henry IV. was raised to the crown by those officers and the few troops he brought from

the

the continent, and who were the same who had performed such wonders there under the Black Prince and other English generals ; while the unhappy Richard was at the head of an army, few of whom had ever been out of England, excepting on a short expedition to Ireland, and who were, in fact, no better than Welch and Cheshire militia. It is true, the parliament concurred in the deposition of both those princes ; but no man can be weak enough to imagine that, had it not concurred, their opposition must have been ineffectual, while the invaders commanded independent armies.

The troops by whom Henry V. conquered all France, were those who afterwards drove his son from the throne. Independency upon the civil power was the public boast of the earl of Warwick, commonly called the King-maker, who had served in France, with so much glory, at the head of English armies. His officers adopted the same doctrine, and became as independent upon him, as he affected to be upon the crown ; and thus many of them went over to the princes of the York line ; while Warwick, at the head of a raw northern army, notwithstanding his great abilities as a general, was defeated and killed at the battle of Barnet ; by which the crown

was settled on the old hereditary line, in the person of Edward IV. The crimes, whether real or imputed, of Richard III. rendered him so odious, that they, in a manner, placed the earl of Richmond in the command of an independent army ; but neither he nor Edward IV. could ever have succeeded, had it not been for the officers and troops they brought along with them, and who had served so long abroad, that they had forgot all allegiance to the reigning princes. Under Henry VII. and VIII. the feudal constitutions were weakened, if not exterminated ; and then it was that martial law, or, as it was called in those days, law military, took place. This law had for its chief object the dependence of the military power upon the crown, by putting it into the hands of civil officers ; a system which was improved by queen Elizabeth to so dangerous a height, that her prerogative knew no bounds but what were prescribed by her own moderation. In those days, nothing was more common than for a great officer of state, a sheriff of a county, or mayor of a corporation, to have a commission for exercising military law in all cases of insurrections for scarcity of bread, non-compliance with the established religion, non-payment of taxes, and even the most trivial

trivial occasions that gave umbrage to the government. The method of proceeding by this law-military was very extraordinary, and I shall single out one instance by which your Lordship may form some idea of it\*.

In the year 1695, the apprentices of London happening to be somewhat riotous, the queen gave a commission to Sir Thomas Wifford, then lord-mayor, to be her provost-marshall, and to execute military law upon the offenders ; " And," say the words of the commission, " we recommend you, upon signification given you by our justices of peace in our city of London, or of any place near to our said city, in our counties of Middlesex, Surry, Kent, and Essex, of such notable rebellions, and incorrigible offenders, worthily to be speedily executed by martial law, to attach and take the same persons, and in the presence of the said justices, according to justice of martial law, to execute them upon the gallows or gibbet openly, or near to such place where the said rebellions and incorrigible offenders shall be found to have committed the said great offences. And furthermore, we authorize you to repair

\* Rymer's Fœdera, Vol. XVI.

" with a convenient company into all the  
 " common highways near to our said city,  
 " where you shall understand that any va-  
 " grant persons do haunt; and calling to your  
 " assistance some convenient number of our  
 " justices and constables abiding about the  
 " said places, to apprehend all such vagrant  
 " and suspected persons, and them to deliver  
 " to the said justices, by them to be com-  
 " mitted and examined of the causes of their  
 " wandering; and finding them notoriously  
 " culpable in the unlawful manner of life,  
 " as incorrigible, and so certified to you by  
 " the said justices, you shall, by our law-  
 " martial, cause to be executed upon the gal-  
 " lows or gibbet, some of them that are so  
 " found most notorious and incorrigible of-  
 " fenders, and some such of them as have  
 " manifestly broken the peace since they  
 " have been judged and condemned to death  
 " for former offences, and have had our pa-  
 " don for the same."

Your Lordship, from this quotation, may  
 perceive, that the military law here spoken  
 of, has no description, no boundaries, extent,  
 or precision, but what are contained in the  
 words **DEATH**, **GALLOWS**, and **GIBBET**;  
 that no juries were troubled to give their ver-  
 dicts upon the offenders; and that the whole  
 system

System was dictated by the crown, and modelled as a secretary of state, or a clerk of the council might think proper. But tho' this institution was very terrible to individuals, yet as the commission never subsisted longer than the exigency, the danger was neither permanent nor universal. The case was different when the execution of this military law was committed to military officers at the head of great armies. Even queen Elizabeth herself was in danger from the independent notions of such officers. The earl of Essex, and his friends, had served her bravely, faithfully, and successfully, in her foreign wars; but at last their virtue gave way to the temptation of independency. Happily for her, the brain of Essex was touched with pride, impatience, and imaginary indignities, though few subjects ever lay under greater obligations to a prince than he did to Elizabeth. To enter upon his history in this place, my Lord, would be prolix, and might be thought impertinent. It is sufficient to say, from every particular of his conduct, that had he not been infatuated enough to have left his army in Ireland behind him, it is more than probable, that he would have rendered himself master of the queen's person and government. His attempt to do both by the assist-

assistance of his high reputation as a general, failed. The people of London, not being supported by his troops, had no idea of military independency. They refused to join him or his officers, and his head most justly paid the penalty of his rebellious insurrection.

The reigns of queen Elizabeth and king James were, in one respect, different from those of any of our other princes, because the armies they raised, through the circumstances of the times, never returned in a body to England ; if we except the few troops who attended the earl of Essex to Cadiz, and who mostly served in the marine capacity. The Low-Countries were then the great theatre on which the English armies acted ; and the cautionary towns required a greater number of soldiers to be constantly in garrison there, than England could well spare. The fatal distractions, and dreadful catastrophe, that happened under Charles I. were entirely effected by the independent spirit which seized the English officers while they served abroad. On the parliament side, Essex, Waller, Fairfax, Dalbeer, and many other officers, too tedious to be named here, when they returned to England, acted as soldiers of fortune. Many, perhaps a superior number, served on the king's side ; but it is agreed on all hands, that

that, excepting the earl of Lindsey, few or none of them acted upon principle. They were equally ready to receive wages from the parliament as the king; and considered themselves as being equally independent on both. Cromwell, though he never served abroad, had sagacity enough to observe, to cherish, and to improve this spirit; till at last, independency, from being the mode of religion, became the character of the army. It was in vain for the friends of the parliament to object to him the self-denying ordinances he had proposed, by which no member of parliament could hold a place in the army. He, indeed, so far complied with them, that he procured the dismission of many officers, who, had they retained their seats, would have voted against the king, but would have continued attached to the parliament, and who would thereby have been equally obnoxious to his independent schemes. Such were the earls of Essex and Manchester. Both those great officers, in the beginning of the civil war, received commissions from the parliament, and acted totally independent of the king. They saw their error, and would gladly have retrieved it when it was too late. They proposed a treaty with him, but in vain. The army knew its own weight. They followed

the dictates of independency as the only sure reliance they could have, and Cromwell had the art to bring Fairfax into the same way of thinking, till the murder of the king represented his conduct in all its horrors.

The republic that was established after the death of Charles I. consisted of some of the ablest and wisest men in Europe; but what did their qualities avail them, when opposed to the swords of an independent army? The kingly power was destroyed, the military was established, and the parliament having abandoned the great principles of the constitution, had only their own nominal authority (for legally it was no other) to offer against a tyrant who was under no controul, and whom independency had rendered despotic. He continued, during the remainder of his life, to rule by those military tyrants; but upon his death, having amongst themselves no principles of union, the nation found herself under an absolute necessity of putting an end to their government, by calling in the king and restoring the constitution. But even this could have been effected only by the independent power of the army branching out into so many divisions, that the whole became feeble and ineffectual; none of their officers having spirit or capacity enough to unite

unite it under himself. Monk, though of a very confined genius, perceived this, and wisely sacrificed all the fruits of his rebellion upon the altar of loyalty.

The reign of Charles II. affords but little military matter by land. It is pretty evident, from the history of the times, that the duke of Monmouth, and some of the officers who served under him abroad, could they have revived the spirit of independency in the army, would, at least, have availed themselves of it, by setting aside the succession. But the nation had smarted under the lash of independency so severely, that she ran into another extreme, and the introduction of arbitrary power must inevitably have been the consequence, had it not been for the frantic conduct of king James, which disengaged the officers and troops that had served under the duke of Monmouth; for I cannot be so complaisant to the memory of those gentlemen as to imagine, that, when they went over to the prince of Orange, they were actuated by a pure disinterested regard for the protestant religion and the English constitution. The attempt which his majesty made to introduce his Irish papists into all the posts of profit, power, and trust in the army, was more than sufficient to make flesh and blood

D. rebel

rebel against so provoking and partial a proceeding.

The Revolution, by a most extraordinary concurrence of causes, established the very grievance which the principles of it had long sought to abolish ; I mean, a formal standing-army ; and here, my Lord, commences the main part of the task which I prescribed to myself in this address to your Lordship. The too well-known connections which king William had with the Continent, rendered this army far more numerous than it ought to have been ; nor, in reality, during the lifetime of king James, and perhaps for some years after, could the Revolution itself have been supported without an army. An hatred of France, and an inborn affection for Holland, were the ruling principles of king William's life and reign ; and it is evident, that he endeavoured to engraft both upon the English constitution. The whigs had laboured long to reduce the French power, and would have gratified him with money for that purpose ; but the most disinterested and the most sensible among them joined with the tories in reducing their army in time of war. The vast opposition he met with from both, disgusted him so much, that he, at one time, gave no obscure indications that he was resolved

solved to leave them to themselves ; and, by retiring to Holland, to prove the necessity they must be under, through the divisions among themselves, to apply again to him that he would return to save them from anarchy, as he had before delivered them from arbitrary power. A short recapitulation of those facts cannot be impertinent here.

Upon the return of his majesty to England, he opened his parliament, on the 9th of December, 1698, with a speech which plainly intimated, that tho', at that time, the nation was in profound tranquillity, he expected the members would keep up a large standing army, even in time of peace. Though the ministry were then whigs, yet they knew this measure to be so strongly against the sense of the nation, that they durst not venture to promise to the king that they would support it, farther than to procure the establishment of 10 or 12,000 men. But even this was more than they could perform ; for the House of Commons resolved, " That all the land-forces of England, in English pay, exceeding 7000 men (and those consisting of his majesty's natural born subjects) be forthwith paid and disbanded ; and that all the forces in Ireland exceeding 12000 men, (and those natural born

" subjects, to be maintained by that king-  
 " dom) to be likewise forthwith disbanded ;"  
 and a bill was brought in upon those resolu-  
 tions. This proceeding was the reverse of  
 all the ideas which the king had formed of  
 politics, and therefore he came to the reso-  
 lution I have hinted at above, of abandon-  
 ing the government. But though he did not  
 stick to that resolution, which he intended to  
 have disclosed to his parliament the next time  
 he met them, yet he gave strong hints, that  
 he thought himself most barbarously dealt  
 with, by his being obliged to dismiss his  
 Dutch guards, which the above act provided  
 for ; and he even brought his spirit so low as  
 to send lord Ranelagh to the commons, in a  
 manner begging that they should be conti-  
 nued in the English pay. The commons an-  
 swered, That they could not do that without  
 violating that constitution which he had come  
 to preserve ; so that, notwithstanding all the  
 king's efforts, those guards were shipped off  
 for Holland.

I am, my Lord, far from pretending to  
 defend the proceeding of the parliament on  
 this occasion ; and it certainly was productive  
 of some bad consequences ; for it gave the  
 emissaries of France encouragement again to  
 hold up their heads. All I shall infer from

it is, that the parliament, at this time, did not think the liberties of the nation sufficiently secure under the provisions that had been made for the dependence of the officers of a numerous standing-army upon the civil power ; that though the English ministry was, at that juncture, the best the king ever had, and tho' the dangers of the nation were threatening, yet they thought no danger so dreadful as that of an independent army. It is well known, that that monarch had no ideas of the connection between the civil and the military power, nor of the dependence that a military English officer ought to have upon any man, or body of men, but upon their general, who was himself ; and in that capacity alone he exercised his authority as king ; nor would he ever hear of any applications made for displacing an officer on account of his conduct in parliament.

This part of king William's character has, on many subsequent occasions, been mentioned with infinite applause. But, my Lord, it was owing to the foreign education of that prince, that he had formed no just notions as to the dependence of the military, upon the civil, power ; and had not his intentions been really upright, his mistakes, in that respect, might have rendered his reign ruinous to the

liberties of this country. The same principle which led him to think that his officers were independent upon him as to their civil conduct, must naturally have led him to imagine that they were far less so on the parliament, and, consequently, that the civil and military capacities were totally distinct; and that he, as head of the army, might consider himself in a character different from that of king of England. That the parliament apprehended this to be the natural tendency of a military education, is extremely plain from their proceedings. They who had been the most forward in bringing about the Revolution, were the most violent in their writings and declamations against a standing army. The press groaned under pamphlets upon that subject, which were no other than the echoes of what passed in parliament; and anti-military principles had got so much possession of the public, that they were blind to the very just and rational representations of the king, that without a military power, as the affairs of Europe and England were then situated, the Revolution could not be supported.

The construction of the martial-law, which began to be formed and established about this time, is far from being calculated to give a king of England any just notion of the relative

tive power he possesses, as being, at the same time, head of the state and the army. Those arise out of the constitution itself. The nation had seen the dismal effects of an independent army under Cromwell, and they were sensible that the dependence of military officers upon the crown, was unalienable from the constitution ; that the wit of man could contrive no expedient that could dispense with it ; and therefore, by the two militia-acts of the 13th and 14th of Charles II. the king was declared to have an undoubted right to the supreme government of the militia, and of all forces by sea and land, with a power of commissionating or displacing their officers at pleasure. When the circumstances of Europe, where all the neighbouring states, especially those of whom England had the greatest reason to be jealous, kept up standing armies, rendered it necessary for her to follow their example ; the same provisions that had been made for the government of the militia, were transferred to that of the standing-army : but so jealous was the legislature of the dangers arising from the latter, that the existence of it was confined to one year, but annually renewable at the option of parliament.

If,

If, my Lord, we consider the nature of those provisions, they are the best that could be devised in favour of public liberty ; but they are evidently the worst, if the king is to be controuled in the exercise of the powers which they give him. This can be effected only by two methods, a parliamentary, or a military, authority. In the former case, the army, which, to all intents and purposes, depends for its existence on the parliament, again becoming the parliament's army, (as it already has been) must again unhinge the constitution, from which the maintenance of the king's just authority is inseparable. If military gentlemen are to dictate in this case, the army becomes then independent upon the parliament as well as the king ; the dreadful consequences of which are too obvious to require pointing out. In short, my Lord, there is not a single argument that can be advanced for the king's uncontrouled exercise of this part of his prerogative, that is not equally applicable to all its other parts.

Without ripping up party-sores, I cannot help being of opinion, that king William's military maxims, after his death, were adopted to very unwarrantable purposes. The danger which the liberties of England and Europe were thought to be in upon the accession of queen

queen Anne, rendered a standing-army indispensable to the safety of the kingdom. The glorious successes of that army, under its renowned general the duke of Marlborough, and its whig-officers abroad, supported by a whig-administration at home, undoubtedly gave them very high ideas of their own importance ; and nothing could be more astonishing to them than to hear that a party was forming in England to put them in mind, that English soldiers were no other than creatures of the civil power, in whose breath they had their being ; and that it was the undoubted prerogative of the crown of England to displace even that glorious general, if it should be found that his successes were no other than so many illustrious deviations from the interests of the nation. This doctrine was founded on the principles of public liberty, and was irrefragably true on those of the constitution ; but those were forgotten amidst the splendor of victories, and vanished before the madness of party. It is well-known, that the whigs, those champions against civil, became advocates for military, tyranny, by forming a scheme to make the duke of Marlborough general for life. By this project, had it taken place, the prerogative was not bounded, but abolished ; the constitution

was not secured, but overturned; and liberty, instead of being established, must have been extinguished. Besides those consequences, my Lord, I must add one more, that it must have been fatal to the present happy establishment. The private, and what we may call the cubicular, sentiments of the duke of Marlborough, with regard to the abdicated family, though then stifled by ambition, or, perhaps, by more inglorious sensations, have been since revealed, upon no slender authorities; and it is well known, how much all the independent part of the nation were alarmed at the thoughts of being obliged to receive a perpetual dictator.

I am, my Lord, old enough to have heard the dismission of that great man from his power in the army mentioned in parliament on a certain occasion, which I shall soon have the honour to explain to your Lordship, with the utmost detestation by all parties. For my own part, whatever private reasons or apprehensions might have prevailed at the time the thing happened, I cannot help looking upon his removal as a spirited, wise, and well-timed measure. I shall, my Lord, go further, and though I am sensible I am not favoured by the now prevailing notions of

new conduct of

pub-

public gratitude, yet I am warranted in what I say from history, from experience, and the nature of this government. Suppose the conduct of the duke of Marlborough, and his military friends, to have given no just umbrage to the crown, and let their merits be as high as we can conceive, yet as their influence with the army, had they abused it, must have been dangerous to the civil constitution, it was wise and prudent in the crown, by a vigorous exertion of the prerogative, to shew, that though the duke of Marlborough was the idol of the army, it did not exempt him from being subjected to a civil direction. A Spartan philosopher, my Lord, would have carried his ideas of military patriotism farther. He would have made his hero secretly apply for his own dismission, that the people might see, that no object was great enough to be absolved from obedience to the laws of his country. He would have urged the wholesomeness of the precedent, and have pleaded the danger arising to posterity, should ever a power equal to his devolve upon a subject of more ambition and less justifiable views. But, my Lord, laying aside all I have said on this subject, let us see how this affair stands in another light, and what influence it must have had in this very reign, had that, or any other

measure like it, taken place towards the end of queen Anne's reign.

It cannot be denied, that from the time the Act of Settlement took place, the whig-party, as they are called, kept up both a secret and open correspondence with the house of Hanover ; in consequence of which, when king George I. came to the throne, he carried into that seat of government no other notions of party-affairs than what he received from them. They had told him, that every Tory was a Jacobite, and therefore an enemy to his title, family, and interest. To prove this, they produced certain ambiguous, and some dangerous, proofs of Jacobite intrigues, which they fastened upon the Tory-party in general. Great as the sagacity of George the First was, he believed them ; nor, indeed, could he avoid it. Thus almost every man who had been in the late reign marked out as a Tory, was stigmatized as a Jacobite ; and, during the reign of that prince, he suffered a kind of state proscription, not only from all places of trust, power, and profit, but from the presence of his sovereign.

How did this whig-ministry reward this unlimited confidence ? By suggesting to his majesty, that a bill for rendering the army independent, by taking from the crown the power

power of removing officers, would be for his service. General Stanhope was, at that time, secretary of state, and had been called up to the House of Peers. He was, likewise, considered as being at the head of the whig-party, and had merited that preference by a long train of military services abroad ; during which, like many other officers, he had forgot the subject in the soldier. This, my Lord, is the best apology that can be made for his conduct, when he and his friends actually got his majesty's consent that such a bill should be brought into the House of Peers, from whence it was to have been sent down to the Commons. The bill was accordingly drawn up ; but there happened to be some moderate Whigs as well as Tories. Such of the former as had not been enured to military ideas, were struck with horror at the proposition ; and the bill, though prepared and ready, never was brought in. It was on this occasion, my Lord, (though our printed histories take little or no notice of it) that the Whigs split among themselves. The military part of them outbid the others, who thereby became cyphers. His majesty was prevailed on by them to believe, that the interests of England and Hanover were the same, and that every Hanoverian, promoted and  
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preferred in England, was an acquisition of a firm friend to the protestant succession, in his majesty's person and family.

Here, my Lord, give me leave to make a most melancholy retrospect, that is intimately connected with the nature of my subject, while it proves the small influence that principle had in party proceedings at that time, and what a prey this nation has been to the same detestable spirit during the two last reigns. Mr. Walpole, afterwards earl of Orford, was then at the head of the opposition to the military Whigs, and he opposed the Mutiny and Desertion-Bill on the general principles of its being unconstitutional; and in so doing he joined the Tories; but on the third reading he voted for the bill, which, considering the importance of it, was carried but by a very small majority. It was easily foreseen, that Mr. Walpole thought himself within the reach of the golden fruit and that this had effected the alteration of his sentiments; and this conjecture was confirmed by his being ever after the principal champion for the bill. This strenuous opposition, however, had a great influence upon the Germanized party which the earl of Stanhope headed, and prevailed on them to lay aside all farther hopes of the bill I have mentioned, and all attempts

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to render the officers of the army independent of the crown. The narrow escape which even the Mutiny and Desertion-Bill had met with, informed them, that it would be impossible for them to get over the only check the evils attending that bill might possibly have, which was, by making all commissions in the army depend on the pleasure of the prince.

Let us, my Lord, for once suppose, that this bill had taken place, would not the consequence have been, that the king himself must have been a cypher in the government? The reasons given for keeping up the army, and passing the Mutiny-Bill were, that a strong Jacobite faction were lurking in the bowels of the kingdom; that the Austrian dominions in Italy were in danger of being attacked; that our guarantyship obliged us to defend them; and that we might possibly be invaded. I should be glad to know, if those events had taken place, what part was left for the king to act? Had he given orders to march against the Jacobites, French, or Spaniards;---those orders were trifles, light as air, while he could not enforce them, by displacing such officers as might differ with him in opinion, and appointing others in their stead. Even these officers, though, perhaps, well-intentioned in general, might have differed

ferred among themselves : Who in that case was to decide, had both parties continued obstinate ? The king's business, and that of the nation, must be done ; but by whom ? The refractory parties cannot be displaced ; and, in the mean while, the public service goes to wreck, and the ruin becomes irretrievable. It is ridiculous to say that the martial law, or the power of parliament, could punish the offenders. In the case we have put, each might think his opposite such ; and what a poor recompence to the nation must it be to have one or two officers shot, after her most essential interests have been sacrificed to the dissentions between them and their antagonists.

The idea of the independency of the military upon the civil power seems to have vanished at the unexpected death of earl Stanhope. His successors in the administration had adopted a different mode of government, tho' founded on the same principle ; I mean, an unvarying complaisance to the interests of Hanover. Sir Robert Walpole could not, like earl Stanhope, act in two capacities as general and statesman ; he therefore found, that it was most conducive to his ends to support the old constitution. He asserted the dependency of the army upon the king, that he might

might establish the dependency of both upon himself. The laws in being rendered it easy for him to effect the former; and he knew a practicable method for the latter. In this he was assisted by the general prepossessions which had infected the moderate Tories as well as Whigs; that it was necessary for England to preserve the ballance of power upon the continent, which could be done in no other manner than by supporting the house of Austria against that of Bourbon, and that of Hanover against both. This was a doctrine the more flattering, as it seemed reasonable to princes bred up from their most early infancy in the belief of it, who were zealously impressed with the necessity of continental connections, and were conscious to themselves of their sincere attachment to the protestant religion, the interests of Great Britain, and the independency of Europe. Those maxims carried the minister through every debate; and nothing but the events that have happened since his present majesty's accession to the crown, could have proved their falsehood and futility.

While the standard of continental connections continued waving over the interests of Great Britain, two great officers of the army, the duke of Bolton and the late lord Cobham,

not to mention several inferior ones, happened to differ with the minister, and their commissions were taken from them. Had the then opposition resented this in a legal constitutional manner, without breaking in upon the undoubted rights of the prerogative, which it was in their power to have done, none could have blamed them, and their conduct must have been approved of by all succeeding patriots. But instead of that, they adopted the most dangerous of all factious maxims, and on the 13th of February, 1733, the following motion was made in the House of Commons, viz. "That leave may be given to bring in a bill for the better securing the constitution, by preventing the officers not above the rank of colonels of regiments, of such land-forces as shall at any time be allowed by authority of parliament, from being deprived of their commissions, otherwise than by judgment of a court-martial to be held for that purpose, or by address of either House of Parliament." Your Lordship may easily perceive, that a motion of this kind could not be supported but upon principles diametrically opposite to those I have been endeavouring to establish in the preceding part of this letter. Though men of the greatest parts and abilities

ties then in England spoke for it, yet all their arguments were easily baffled by the ministerial party, who were, in every respect, greatly their inferiors; nor could the former bring a single argument in favour of the motion, but that the minister did not mean to support the dependence of military officers upon the king, but upon himself. It was in the course of the debate upon this subject, that a certain right honourable gentleman, who is now in another house, attempted to vindicate the bill which had been proposed by earl Stanhope, the most extraordinary argument, perhaps, ever advanced in favour of an opposition, the majority of which was composed of Tories. I mention this, my Lord, as a fresh proof of the small dependence that ought to be laid upon party principles; for in this debate the Whigs were the great advocates for prerogative, and the Tories wanted to reduce their king to somewhat that was less than a doge of Venice. The arguments of the latter for the bill proposed were as absurd as their conduct, for they urged the example of the judges, who had been by law continued for life; and argued that it was equally reasonable that a military commission should continue during the life of an officer.

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This is an argument equally false in fact as in reason. A judge can sit on the bench only during the king's life, who gave him his commission: but the bill brought in for taking from the crown its prerogative of displacing officers, did not leave that power in the option of the succeeding prince. A judge, even as the law now stands, can only sit on the bench *quamdiu se bene gererit*. If he is guilty of fraud or malversation, he is to be tried---by whom? Not by his brother judges, but by a creditable jury, who have no connections with law. But were military commissions for life, who are to try military delinquents? A civil jury cannot, the private soldiers cannot: they must therefore be tried by a court martial, and nine out of thirteen of their judges must find them guilty. This is the present method of trials by courts martial; but then the crown must confirm the sentence before it can be carried into execution. Make military commissions for life, neither the crown nor a jury can have any interposition. A junto of officers may cabal together, and acquit one another of the most flagrant crimes, without being liable to be called to account by any power upon earth. Perhaps, my Lord, were we to review the trials before some courts martial, this nation, even under the present military constitution, would

would have no great reason to extol their integrity. It is natural for an officer to consider that it is not impossible for him to be, some day or other, in the same situation as his brother officer was, when he committed the fact, or was guilty of the oversight for which he was tried, and to acquit him. What remedy has the injured party, or the nation itself in such a case, but the equity of the crown ? King William himself, whose example has been often quoted in the case under consideration, put severe marks of his displeasure upon those naval officers who acquitted a great English admiral, the lord Torrington, tried for his behaviour in a sea-fight against the French off Beachey-head. He refused again to employ any of the members in his service, and dismissed Sir Ralph Delaval, the president of the court, from his post of vice-admiral of the blue. This was the only satisfaction that was in his majesty's power to give to the injured honour of the nation. It is true, the earl of Torrington was not a land-officer ; but his acquittal serves to shew the opinion that his majesty had of the independency of courts martial, when sitting upon their brother-officers in cases that some time or other may possibly be their own ; and no man can say

*Immaculata felicitate, sed in oldo, dispergit, plorat, et quoniam* that

that the observation does not hold equally good in the land-service.

I have, my Lord, been the more full upon this point, because, though at first sight it may appear to be somewhat distinct from the question under consideration, yet, on examination, it will be found to be intimately connected with it; because, according to the present constitution of the army, the decisions of a court martial become absolutely conclusive in all military cases, if the crown should be limited in its prerogative of taking away commissions, or, in other words, if every commission should be for life. It has, I know, been said, that the attempts to limit the crown in this particular, were confined to the officers who were not above the rank of colonels of regiments. For my own part, I know of no other officers who can be dangerous to this constitution. Generals commonly are colonels, though colonels may not be generals; and there may be more danger to the nation from a single battalion, commanded by independent officers, than there can be from all the general officers, upon the staff, when not at the head of regiments. Before I take my leave of this part of my argument, I cannot help observing, that there is somewhat extremely remarkable in the parallel attempt-  
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ed to be drawn between the cases of officers and judges. The great argument for making the commissions of judges for life, or *quamdiu se bene gesserint*, was, that they being often obliged to try causes between the crown and the subject, it could not be supposed that without being INDEPENDENT they could be IMPARTIAL, especially when it fell in their way, as it often does, to give their opinions upon cases that affect the prerogative. I should, my Lord, be sorry to see the army called in as judges upon such cases; or, more properly speaking, to see them in that state of independency that would enable them to make themselves judges.

When a negative was put in the House of Commons upon the motion I have already mentioned, another motion was made to the same purpose in the House of Peers, and met with the same fate, but was there more thoroughly canvassed. A noble lord, then in the opposition, urged that the power of the crown in taking from officers their commissions, was an innovation in the constitution; because, said his lordship, " by our primitive institution, the king could not remove the officers of the army. The nobility and the barons of the kingdom were the proper officers, and each of them led out to war,

" and

" and commanded his own military tenants,  
 " so that their commands in the army de-  
 " pended upon their tenures; from neither  
 " of which the king could remove them,  
 " without their being legally found guilty of  
 " a crime." But this proposition, admitting  
 the fact to be as his lordship stated it, has no  
 manner of relation to the present question. A  
 baron could no more deprive a knight of his  
 fee, than the king could deprive the baron of  
 his honour or estate, which constituted his  
 barony. The followings of both were part  
 of their civil property, and bore no manner  
 of resemblance to our present army, nor in-  
 deed to our militia. But this did not hinder  
 the king from calling them as often as he  
 pleased into the field, where none but he or  
 his deputy could command them. The  
 crown's prerogative could even dispense with  
 their attendance, and commute their service.  
 Its power went farther; for the king, without  
 regard to rank or quality, could displace any  
 officer who did not serve him well without  
 bringing him to a court martial, and substi-  
 tute another in his room; which happened to  
 be the case of Mandeville, one of the greatest  
 subjects in England, so far back as the reign  
 of Henry II. as, if I mistake not, it is relat-  
 ed by Mr. Maddox in his work upon baro-  
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nial tenures. Those tenures are now abrogated, and a new system of military power has taken place, so that all arguments drawn from them are as applicable to the present question, as the feudal holdings would be to a trial at Westminster-Hall.

The next great question that came before both houses in the late reign, relative to this subject, was, a motion made by the late earl Granville, then lord Carteret, in the House of Peers; another being made to the same purpose, and at the same time, to the House of Commons; "That an humble address should be presented to his majesty, that he would be graciously pleased to acquaint the House who advised his majesty to remove the duke of Bolton, and the lord viscount Cobham from their respective regiments; and what crimes were laid to their charge." This was a motion, if possible, more absurd than the former, and is founded on a mistake in terms; because, if the king could not remove an officer without laying a crime to his charge, his prerogative, in that case, must be at an end; for a court-martial could do the very same thing; and, in fact, had the question passed, the two houses of parliament must have been considered as one great court-martial; only with this difference, that, instead

stead of trying the officer, they would have tried the king. They would have examined into the nature of the crime alledged by his majesty ; they would have called for the proofs of it ; if satisfactory, they would have discharged the royal prisoner ; if not satisfactory, his conduct must have been censured, and he must have humbled himself before the house, by re-admitting the parties to their former ranks. But this absurdity was so palpable, that the House of Commons treated it with a silent disdain ; and it was supported by Sir William Wyndham only, the last man in the world, one should have thought, that would have espoused such a cause. Thus far, my Lord, by way of recapitulation, and now to apply.

It is said, that our constitution supposes the king can do no wrong. My Lord, without mincing the matter, if this proposition is to be admitted in the sense annexed to it by warm writers, it is saying, in plain English, that a king of England can have no will of his own. I wish, my Lord, I could say that our two last kings had exerted any will of their own, with regard to the interior administration of their REGAL dominions. As both of them were sensible well-disposed princes, had they taken the lead in their own coun-

councils and conduct, it would, at this day, have been better for the nation. The Whigs, into whose hands they fell, misapplied the above maxim, and urged, that ministers were answerable for all that the king did ; which, in other terms, implies, that the minister is to be the king, nor can any man, or writer in England, deny this to be a fair deduction from the principle. This doctrine being established, as more Trincaloes than one presented themselves to be viceroys over their sovereign, what could he conclude ? The maxims of his ministry rendered him, in fact, an alien in his REGAL, and he knew he was none in his ELECTORAL dominions. To throw himself upon his parliament made his condition still worse ; for his ministers told him, that all the Whigs in parliament were at their devotion ; and be it at his peril if he should throw himself upon the Tories, who were, to a man, in another interest. What then could he do, but take the ministers whom he thought to have the greatest influence to prevail with the parliament ; and to fall in with their views ? Stanhope at first, then Sunderland, was the man ; and from the administration of the latter, the Germanized æra in England may be dated ; for he offered to do more for Hanover than George I. required ; and his

great merits and interest with the Whig-party, enabled him even to exceed his promises.

Thus, to do Walpole justice, the German system was deeply rooted in the government before he succeeded to the ministry. He promised it should receive no abatement under his administration, provided his master would continue to do no wrong, or, in other words, to take no concern in the affairs of the nation ; while he was to have the disposal of all places and pensions under the crown, and the direction of all measures in the parliament. How strictly he adhered to those terms, is well known to the public ; nor can there, perhaps, be a single instance brought, from the time of the accession of the family of Hanover to that minister's death, in which either king George I. or II. took the smallest lead in the affairs of government. The notoriety of this gave great advantages to the opposition and its friends, and the minister himself was insolent enough publicly to acknowledge, that he looked upon himself to be answerable for all the measures of the government, and that he had advised the king to remove the two noble lords from their regiments ; nay, he went so far as to say, that he would suffer no officer in the army, who sat in either House of Parliament, to keep his

his commission, if he voted against his majesty's measures ; and some other removes of the same nature took place soon after.

The minister, by those insolent declarations, alarmed all the friends of the constitution, and rendered the removes (which, had they been made by his majesty, were unquestionably constitutional) next to criminal against the state ; because he, in fact, boasted that they were made by himself. Many of the best friends of the prerogative, therefore, deserted it on this occasion, and for the reason I have given ; nor, during the whole debates on the subject, was there a man, in either house, who imagined that the king ever was consulted on the removes, but for form sake, that he might give an imprimatur to the work of the minister. Thus, my Lord, the misinterpretation of the maxim, **THE KING CAN DO NO WRONG**, must lay the foundation of despotism in the minister. The people move in a circle, they are bandied from hand to hand. When oppressed, they complain of the power of the crown. The answer is, that they suffer under the tyranny of the minister. The minister is attacked ; he tells them, that it is the will of his master, whom he advised to do so and so ; while the very nature of the injuries they suffer, prevents

vents them from obtaining any constitutional remedy, which can only be had from a parliament, where the majority is in the ministerial interest.

Upon Walpole's removal, his late majesty had good sense enough to perceive, that the king was SOMEWHAT in the government. He pitched upon a minister of great, but dangerous abilities ; and who was above creating a parliamentary interest for his support. This minister struck in with continental connections even to enthusiasm, and went farther in gratifying any supposed predilection which his master might have been supposed to entertain for Hanover, than any minister ever had done, excepting, perhaps, the earl of Sunderland. He told the king that he had, and ought to have a will of his own ; that it was time to disengage him from the ministerial go-cart ; and that Great Britain could not do too much for the reduction of the power of France, and the re-establishment of the house of Austria, whose affairs were, at that time, thought to be desperate. No fault could have been found with this doctrine, had it been urged at a proper place, and in a proper manner ; but as it tended to impress the king with a notion that he ought to be independent of his ministry, the craft was then in danger, and

and he was plainly given to understand, that if he would not suffer his servants to rule him, he must have no servants at all. Such was the language at the famous æra of resignations. His majesty found that he had been misled by a false doctrine, and after repeated efforts to retain his minister, he was obliged to give him up in a manner not to be paralleled in history.

The change of the administration brought with it no change of measures. Continental connections were multiplied, ruinous alliances were formed. France, instead of being reduced, triumphed both in the field and the cabinet ; and we were forced into a peace, which, if not inglorious, was certainly inadequate to the expectations of the nation, and the immense expences of the war. But even this peace would not have taken place, had it not been for the danger to which Hanover was exposed, had the war continued. The French were but too sensible of this. They perceived that German considerations took the lead in all our negotiations ; that their appulse towards Hanover governed our political system ; and in short, (if I may use the expression) they concluded that they had Great Britain in their pockets, should they continue to hold the scourge over that electorate.

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That consideration, and that alone, encouraged them to those encroachments in America, which, had it not been for the spirit of the nation, must, by this time, have put them in possession of all we now enjoy on that continent. A sensible people, like the French, could not be ignorant of our vast superiority over them by sea. They could not be ignorant, that by exerting our marine force, their trade must be ruined, and their schemes frustrated. In short, my Lord, the provocation they gave us, unprepared as they were for war, was worse than frenzy, had they not depended upon that predilection for Hanover, which they had always found so prevalent in the British councils.

To shew, my Lord, how unfashionable a politician I am, and how void of the spirit of party; I must declare it as my first opinion, and I do it from the best grounds, (the report of the secret committee, who were by no means favourable to the conduct which they canvassed,) that the inglorious state of the nation, when Mr. Pitt resumed the seals, has been exaggerated above measure, and magnified beyond truth. The misfortunes we laboured under were owing to the cowardice of an admiral, (for a coward he most certainly was) and to the shameful disagreement of our colonies

colonies among themselves, and their disregard to the government at home. But even that gentleman, with all his popularity, found himself obliged to Germanize, and to bring upon the nation, in a few years, a debt so great that it scarcely will be credited by future ages. That was not the only misfortune attending his administration ; and though I shall not say, that the long connections of our officers with those of foreign troops, made many of them forget that they were Englishmen ; yet, I must be of opinion, that some of them brought home very unfavourable ideas of that part of his majesty's administration which recalled them to Great Britain, and to the civil subordination which our laws prescribe.

Nothing is more popular, and, at the same time, more irrational, than the common argument, Why should a military officer suffer, in that capacity, for giving his vote in parliament according to his conscience ? My Lord, I retain so much of the true old Whig principle, that I think a military officer has no business in parliament, if he puts the smallest value upon his commission : nor can all the speakers and writers upon earth reconcile it to the principles of this government. I hope your Lordship does not suppose I mean, that there

are no officers in our army fit to be members of parliament. Reason and experience speak the contrary, and that we have military gentlemen of as much candour, public spirit, and knowledge of the constitution as any who sit there; and as fit to be trusted with the liberties of their country. But the vesting the legislative and the executive powers in one person, is a solecism not to be reconciled under a free government. Can the king, who undoubtedly is at the head of the army, trust the execution of a measure to an officer, who has declared, in his legislative capacity, by his speaking and voting against that measure, that it is inconsistent with his conscience, and that as a true Englishman he cannot agree to it? Let us throw our eyes upon the present state and temper of this nation, that we may resolve the question with the greater propriety.

His majesty, before Mr. P. resigned the seals of his office, gave the strongest intimation, that he was resolved to have a will of his own, by conducting himself according to the dictates of reason and humanity, and taking the sense of those counsellors, whom the constitution has assigned him as his advisers in matters of government, and each of whom, in his capacity as counsellor, may be as properly

perly stiled a minister, as either a secretary of state, or a first lord of the treasury. As the king intimated that in this he would have his will, the secretary declared that he would have his will too ; and that, if his majesty persisted in his opinion, and in preferring the advice of all his council to that of himself and his brother-in-law, he neither could, nor would, serve him any longer. This created a flame in the nation, and his majesty was treated, in fact, both in conversation and print, as if he had been a rebel to his own subjects. The succeeding minister was in danger even of assassination, for binding up the wounds which the nation had suffered in a war, which her depopulation rendered her absolutely unable to support. The trumpet of disaffection was sounded all over the land, and Rebellion advanced with strides, like those of Neptune, as described by Homer ; for while her one foot was on the Exchange of London, her other reached to the coast of Cornwall.

Had this spirit, my Lord, been the result of Revolutionary principles, of well-grounded apprehensions, of declared intentions in the government to strike at the root of liberty and the constitution, it would have been commendable ; nay, glorious ; for I must think with Mr. Locke, and the best writers

upon civil affairs, that it is possible for a concurrence of events to supersede the regular operations of law and government, and that a case may happen, in which a people can find no safety but in despair. But while those incendiaries were raging against lord Bute, and, through his person, directing their brands against his master, never did the people of England shew greater, or more unanimous, regard to their sovereign. By the people of England, my Lord, I mean the people in their representative capacity, or assembled in those bodies that speak their sense. The parliament, the counties, the boroughs, and all the corporations in the nation, of every degree, were pouring forth their gratulations to the throne at the very time those demagogues of sedition were representing his majesty as being the tool of his minister, and the tyrant of his people. Sorry I am to say it, my Lord, but we are now treading upon the crust of that conflagration, *Per ignes suppositos cineri doloso.*---The eruptions of sedition are so many proofs of the fire that lurks within, and, though stifled, is not extinguished. The seeds of disaffection (for dissatisfaction is now out of the question) spring from the most unheard-of causes, the respite that a depopulated nation has obtained from a war as fo-

reign to her interests as to her situation; the easing of the subjects of Great Britain, in the most unprecedented manner, of an enormous debt, without, as usual, loading one side of the account with what had been taken from the other; the most strict attention to the interests of commerce and manufactures; the mitigating those penalties and taxes which law had empowered government to exact; and the offer of a parliamentary security not only against the abuse of general warrants, but their very existence. Such were the grounds of opposition in the beginning of the year 1764. None other were alledged, none could be alledged. The most infamous abuse was patronized by the example and protection of party leaders; nor did their tools regard even the common precaution of envowelling or abbreviating the most respectable names. His majesty met with the same treatment as his ministers, and his ministers were treated as if they had been the refuse of Newgate. To the amazement of the world, those shocking insults upon government were winked at, encouraged, nay justified, in places where they ought to have received the most severe censures; and certain legal determinations were held up to the public as the standards for national sedition.

I shall,

I shall, my Lord, suppose, that conscience or conviction has led an officer of the army to justify those terrible enormities; that he thinks the late peace a very bad measure; that our continental connections ought to have been continued; that parliament, by a premature resolution, ought to have interrupted the operations of law; and, instead of unravelling, have cut, the gordian knot of general warrants, which were condemned as strongly by the minister as by the opposition. Supposing this officer to think that the present ministry is weak and wicked, and that the opposition, both without and within doors, is highly justifiable; I say, my Lord, supposing this to be the case of a general officer, in what a dreadful, what a lamentable condition must he be, should he retain his commission, and should the unhappy circumstances of the times call for his services at the head of his regiment. Must not such an officer give the lie to his conscience, when, in the field, he shall draw the sword against the cause which he had maintained and justified in the senate? How like a scoundrel must such a man be obliged to act, if, after patronizing the party he fights against, he shall discharge the duty of an able faithful officer to his prince, against whom that very party is perhaps in arms?

March 1

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This consideration, my Lord, renders the case of a general officer serving in parliament truly deplorable. He keeps his commission; he opposes his master's measures; but, when he goes into the field, he is obliged to fight for them, and to cut the throats of those whom he has declared to be the best friends of his country. Sorry I am to say it, but this is, and ever must be the case with every man, who unites a parliamentary with a military capacity, and shall resolve to act according to his conscience.

Equally perplexing, my Lord, if not more so, is the situation of the sovereign. What cruelty must he be guilty of to his own nature, should he command an officer to serve against his conscience, and yet is convinced that this officer is a man of virtue and courage. If he thinks him to be otherwise, how unhappy must the prince's condition be, when he is obliged to trust his interests, perhaps his crown, in such hands. But, my Lord, in this case, it most unfortunately happens, that the very virtues of the officer serve only to encrease his own and his sovereign's difficulties; for the more honour and conscience he has, he is the less qualified to keep his commission. I know it has been said, and it is urged in every Daily and Weekly Paper,

Why

Why is a brave officer to be punished for voting according to his conscience? God forbid, my Lord, that he should: for a British prince, in acting in that manner, would degenerate into an eastern tyrant; but should he employ an officer whom he knew to be dissatisfied with the service on which he was sent, such a prince would be-----what I dare not name. The depriving an officer, therefore, under such circumstances, of his commission, is ridding him of most cruel difficulties, and such as are removeable in no other manner, unless that officer, as often has been the case, should make a voluntary tender of resignation. Were infallibility lodged in every officer who may boggle at the measures of government, his majesty, most undoubtedly, would do wrong in removing such an officer; but till such time as it can be proved, that it is impossible for an officer in the opposition to be in the wrong; and that it is equally impossible for his majesty, or his ministers, to be in the right, I must conclude, that the depriving such an officer of his commission, far from being a punishment, is an act of lenity. If a prince had a mind to inflict upon such an officer the most severe punishment, he would oblige him to keep his commission; and whatever qualms he might find in the discharge

charge of his civil duty, to act in a military capacity as he should be directed ; a language which the constitution impowers a king of England to make use of.

I know, my Lord, it may be said, that this doctrine is equally applicable to the case of all officers sitting in parliament. I own it is, and I am afraid the ablest head in England cannot prevent the deduction. The Tories, when in the opposition, were for bringing in a bill to disable all military officers from sitting in parliament. The Whigs, under the like circumstances, did the same ; and the nation in general, which is the most impartial umpire in those cases, at this very time, I believe, approve of the general maxim, that no military officer ought to have a vote in the legislation ; it being against the fundamentals of this government to blend the legislative with the executive powers.

Nothing can be more ridiculous than the common plea that displaced officers have, viz. If I have been guilty of any crime, why am I not tried by a court-martial ? This, my Lord, is that language of prepossession, which I mentioned in the outset of this letter. A prince may know an officer to be guilty, I will not say of crimes, but of charges that ought to disqualify him for his service, but

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ought not to be brought before a court-martial. Reasons of state may require their not being published, and prudential considerations may render it extremely improper to hazard a trial, in which, from the very nature of it, the accused party is sure of being acquitted by his judges; every one of whom, perhaps, expects to find himself the next day under the same, or a like, charge. In questions purely military or disciplinarian, courts-martial are undoubtedly the proper tribunals for trial; but officers of great and acknowledged abilities are seldom parties in such matters; and the smallest civil misunderstanding in governmental points, is a thousand times more dangerous than the highest military delinquency.

I am sensible, my Lord, it might have been expected, in discussing this point, that I should have made some mention of the militia. The reason why I have not hitherto, is, that I might, as long as I could, avoid the pain I feel in being obliged to differ from the ablest and best intentioned heads in the kingdom as to its constitution, which I am afraid is too infirm to be lasting. An English militia is a captivating term, and nothing but its popularity could have carried through the present system of it, which, I am obliged to say, has

has upon its head all the imperfections of a standing-army, without any of the benefits attending it. An English militia ought to be under no direction that has the smallest connection with military discipline, and yet subservient to every wise and necessary purpose for which it is raised. This, my Lord, is far from being impracticable; and were I to speak my own sentiments, it may be much easier carried into execution at this time, than it could have been before the late and present militia-acts took place; because I apprehend that, all over England, our militia-men are now more than half-soldiers.

But, my Lord, to establish a constitutional militia, and such as will be our safety and protection in times of danger, a moderate, and a practicable soccage tenure must be revived. The men must be rendered *adscriptiū glebæ*; they must have a property in that land for which they are to fight. No man who travels within sixty miles on any side of London, and sees the vast quantities of cultivable lands that are now dead to nature, and useless in society, can mistake what I mean. Government goes a preposterous way to work when it furnishes a militia-man with a gun, a sword, and a uniform. Let his arms be those of the Georgic kind, let him be equipped

ped with the instruments of agriculture, let him have a subject for those to work upon, and he will soon provide himself with the instruments of war. Such a constitution, instead of being expensive to the nation, would not only replace its depopulation, by encouraging marriage, but redouble its strength; and by keeping up, at the same time, the standing-army under its present direction, the counterpoize would be so equal, that we should have as little reason to be afraid of domestic insurrection as of foreign invasion.



